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Public Hearing Date: March 11, 2008  
Land Use Action Date: May 6, 2008  
Board of Aldermen Action Date: May 19, 2008  
90-Day Expiration Date: June 9, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Jean Fulkerson, Principal Planner *CH*

DATE: March 7, 2008

SUBJECT: **Petition #63-08 of 2101 WASHINGTON STREET LLC** for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to redesign exterior parking and maneuvering areas, including a new perimeter driveway; increase to 105 the number of on-site parking spaces; waive various dimensional requirements relative to parking stalls; increase the number of identification signs; modify on-site lighting and landscaping; install an acoustical fence along the westerly boundary; reduce the maximum number of beds from 190 to 180; and, add a porte-cochere to the front of an existing nursing home facility at 2101 WASHINGTON STREET, Ward 4, NEWTON LOWER FALLS, on land known as Sec 42, Blk 9, Lot 17 containing approx 126,432 sf of land in a district zoned SINGLE RESIDENCE 2.

CC: Mayor David B. Cohen

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

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## EXECUTIVE SUMMARY

The petitioner is requesting to make numerous site plan changes to an existing nursing care and rehabilitation facility located at 2101 Washington Street, now known as the "Newton Health Care Center." Citing public safety and a desire to comply with industry standards as the impetus for these changes, the petitioner is modernizing the building, reducing bed capacity, increasing available parking to 105 spaces, and proposing changes to the circulation pattern to allow unimpeded access for fire and life safety emergency equipment.

The existing nursing care facility with 120-bed capacity was approved under Board Order #185-69. At that time, a small parking area was constructed in front of the structure, which provided 42 parking spaces. ***Over the years, subsequent board orders and a variance enabled increased bed capacity, site layout alterations, and reduced parking.*** In addition, various site changes also have apparently occurred without the benefit of building permit or approval by the Board of Aldermen. ***When the current owner purchased the property, the bed capacity was 202 and the parking supply had been expanded to 66.*** The current property owner is making extensive improvements to the interior of the structure to ensure that it meets industry standards, ADA standards, life safety codes, and state regulations for nursing facilities, including reducing the bed capacity to 180 beds.

Based on life-safety issues alone, it is clear that the site requires changes to the site circulation and parking facility to allow vital access for emergency equipment. The Fire and Police Departments indicated that the circulation plan must provide enough parking to prevent illegal use of the fire lane, enable Fire Department vehicle access to three sides of the building, provide maneuvering aisles wide enough to allow unobstructed access, and eliminate dangerous left-hand turns in and out of the site. The Board of Aldermen must amend prior plans and board orders currently in effect to permit these changes.

Planning Department staff concurs that additional parking is clearly needed for the site, and that site circulation requires substantial renovation, including adding a new entrance and exit from Beacon Street Extension. Planning Department staff also believes more could be done to balance site improvements with open space and that site changes should be weighed against the impact on the two residential streets abutting the nursing facility to the east and the west. Both the site and the structure are in need of some attention beyond that required for the installation of new parking facilities, such as improved landscaping and open space amenities for the residents. Given the extent of waivers that are being requested to allow the proposed site circulation and parking, a small portion of the proposed parking should be used instead for additional open space.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Alderman should consider whether:

- the increase in building height by 0.1 ft. ***(total of 5.5 ft. over current max. height regulations)*** will adversely affect the neighborhood;
- exceptions to the parking requirements will adversely affect the site circulation or the abutting properties including parking within the side and front set backs; light poles within the setbacks; reduced sized parking stalls, including handicap stalls; reduced

maneuvering aisle width; reduced perimeter and interior landscaping; and lighting levels below 1 foot-candle;

- the proposed expansion of the parking facility will adversely affect the character of the neighborhood;
- the proposed circulation changes to the site plan, including paving and an additional entrance and exit on Beacon Street Extension, will adversely affect abutting properties or the character of the neighborhood;
- rerouting some traffic on Beacon Street Extension will have a negative impact on the surrounding neighborhood;
- proposed grade changes will have an adverse affect on abutting properties;
- proposed freestanding signs on Washington Street and Beacon Street Extension represent a hazard to vehicles or will adversely affect the neighborhood; and
- available open space and lot coverage percentages are reasonable.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Existing Site Conditions

The 127,017 sq. ft. subject property is located at the intersection of Washington Street and Beacon Street in Newton Lower Falls. The site is improved with an 89,929 square foot two- and three-story brick structure built in 1969. The site includes 42 legal parking spaces for visitors, physicians, and staff, and 24 additional spaces installed without benefit of a permit for a total of 66 spaces.



Figure 1. Subject Site



Figure 2. Existing Entrance

### B. Neighborhood

The site is located near the on-ramps to Interstate I-95 (Route 128) off of Washington Street in Newton Lower Falls. The Woodland Country Club golf course is to the rear of the site and an access gate for course maintenance sits at the end of Beacon Street Extension, a short, unpaved residential street with three single-family dwellings that face the nursing facility. To the west is another small residential street, Belmore Park, which is sandwiched between the subject property and the on-ramp to I-95 northbound.

### III. SITE PLAN REVIEW

- A. Site Development and Use. The Zoning Review Memo, dated August 30, 2007, describes the situation within the City's Zoning Ordinance that allows the Board of Alderman discretion in approving "Open space" minimums for an institutional-like use in a Single Residence 2 (SR2) district. What is most important to consider in this discussion is that the net result of the changes proposed as part of the petitioners site plan is a reduction in open space from 53% to 38.3%. ***The Planning Department staff believes it is critically important for the petitioner to mitigate the loss of open space.***

Redesign of the site is primarily aimed at reconfiguring vehicle circulation and parking at the nursing facility based on the type of activities that occur in a skilled nursing facility and favors parking over open space. Further explanation as to how the basis for the petitioner's parking analysis relative to nursing facility activities would be useful in determining the best means for balancing the two issues.

- B. Building Design. Few changes are proposed for the exterior of the existing structure. A new porte-cochere or covered entrance will be built over the main entry to shield the elderly residents from rain and snow. A 14-ft. emergency vehicle lane alongside the port-cochere will allow emergency vehicles to circulate unimpeded through the driveway. Accumulated snow should be removed from this area so that the 14 ft. width is not compromised.

When viewed from above, the structure resembles the letter "H." The two interior courtyards formed by the building wings are slated for improvements and expansion with a new terrace and fountain, and a proposed rehab and exercise garden. Currently the two courtyards are paved. A grass surface is too uneven for many residents, and only a portion of these courtyards can realistically be left unpaved, although they could be improved with raised planting beds.

The height of the building will increase by 0.1 ft. ***(total of 5.5 ft. over current maximum height regulations)*** due to the alteration of surrounding grades, not because of any construction on the building. ***A building height of 40 feet was allowed in an SR-2 zone until 1977, when it was reduced to 30 feet.*** In this case the extension of the non-conforming structure as to height is considered a technical increase that should have no impact on abutting properties.

- C. Parking and Site Circulation

Entrance and Exit

The existing Washington Street entrance/exit is a safety hazard that requires drivers to make a left turn crossing two lanes of fast moving traffic in close proximity to the entrance ramps to I-95 (Route 128). The relocation of the main entrance and exit to the intersection of Washington and Beacon Streets will be a major safety improvement for the site.

As for the interior circulation, the lack of available parking creates a situation where visitors often park in ways that block vehicle circulation and which the City's Fire Department finds untenable. In addition to the access driveway being blocked, there is site access to only two sides of the building. Should an emergency occur at the site, the Fire Department has no means of reaching the rear or the west façade of the structure with its equipment.



Figure 3. Existing Entrance

The petitioner's traffic analysis examined how the new entrance will impact surrounding traffic patterns. The City's Assistant Traffic Engineer had an overall positive review of the proposed circulation and the new entrance/exit. She concurs with the petitioner's proposal to prohibit left-hand turns into the site at the Washington Street entrance and believes all left turns should occur at the traffic light at the intersection of Washington Street and Beacon Street Extension.

The following table shows the projected increase in usage of Beacon Street Extension following the installation of a new entrance/exit

| Usage of Beacon St. Extension | Existing<br>(based on figure 1) | Proposed<br>(based on figure 2) |
|-------------------------------|---------------------------------|---------------------------------|
| AM Peak (7:15-8:15)           | 3                               | 34                              |
| PM Peak (4:45-5:45)           | 5                               | 18                              |
| Facility Peak (2:30-3:30 PM)  | 0                               | 9                               |

Under proposed conditions the traffic analysis shows that usage of Beacon Street Extension will increase following completion of a new entrance/exit. Some of the increase is due to the increased capacity of the facility once renovations are completed and some is due to the petitioner's proposal to prohibit left turns from Washington Street into the site. A small number of these vehicles will belong to the residents and guests of Beacon Street Extension. It is not clear why such a low number of trips is assigned to Beacon Street Extension during the facility peak hour. The petitioner should clarify if this is an error in the diagram.



Figure 4. Beacon/Wash. intersection

During the site peak hour (2:30 –3:30 p.m.) a total of 26 vehicles enter the site and 27 exit the site, all from the entrance/exit on Washington Street. The traffic analysis states that these numbers are the equivalent of a facility peak hour trip generation rate of 0.44 trips per occupied bed. Once the new entrance/exit is

constructed on Beacon Street Extension, nine of these trips will shift to the traffic signal at Beacon and Washington Street.

#### Interior Circulation

The City's Transportation Planner agrees that the proposed circulation plan will improve vehicular and pedestrian safety and will reduce traffic delays for vehicles exiting the site. With the changed circulation pattern, the City's Transportation Planner recommends a "No Turn on Red" restriction at the traffic signal from the Beacon Street Extension onto Washington Street South/Westbound due to the limited sight lines; this signage would be subject to Traffic Council approval.

In the interior of the parking facility the dimensions of the maneuvering aisles are less than that which is required in the City's Zoning Ordinance. For instance, in the Beacon Street Extension side parking area, in the rear parking area, and in the southwest corner of the parking area, all the maneuvering aisles are substandard.

The use of the southwest parking area has been an ongoing concern of area residents. Under existing conditions, the loading area for the nursing facility and 14 parking spaces are located on the southwest side of the building in close proximity to the residential abutters on Belmore Park. In the proposed plan the number of parking spaces in this area is reduced to 6, though a trash compactor and a generator will remain.

It is unfortunate that these uses are located so close to residential abutters. The petitioner is not able to move these ancillary activities, but has suggested that the situation will be improved with the installation of a new, quieter emergency generator along the west side of the building. The petitioner engaged the services of a sound consultant, Cavanaugh Tocci Associates, to conduct environmental noise

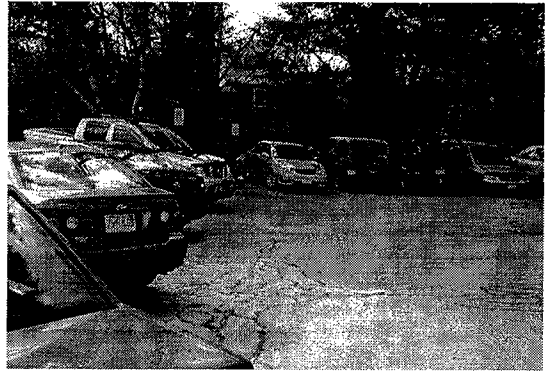


Figure 5. South west parking area



Figure 6. Loading area

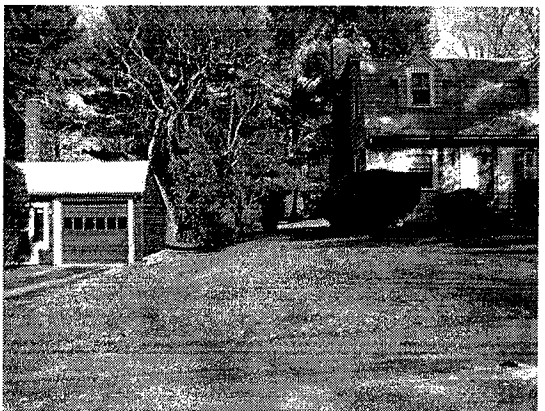


Figure 7. Belmore Park

measurements at the facility. The acoustical consultant concluded that the “primary constant noise sources are traffic noise from Rt. 128 and, secondarily, traffic noise from Washington Street.” The noise levels during the daytime were measured at approximately 58 dB, which is high enough that most equipment, with the exception of the emergency generator, “blend into the overall ambient environment.”

#### Fire access Road

The proposed site plan calls for the construction of an access road along the west and southwest side of the property. This is a new driveway requested specifically by the Fire Department to provide them with access to the far west of the structure. If an emergency were to occur under existing conditions, the Fire Department could not reach this side the building. The petitioner is proposing to install an 8-foot wooden fence atop the retaining wall needed to construct the roadway. The fence is meant to screen truck activity on the westerly access drive and also to act as another layer of sound barrier for abutters. The Fire Department stamped the petitioner’s site plan as approved on March 7, 2008 (*SEE ATTACHMENT “C”*).

#### Interior Landscaping

The petitioner is enlarging the traffic circle at the front of the site and the landscape plan shows that new plantings will be installed within. The front portion of the parking area appears to meet the requirements for interior landscaping, but the rear lot, if treated separately, does not have any interior landscaping that would meet the requirements of Section 30-19. The petitioner is asking for a waiver of the interior landscaping requirements, as well as a waiver of the perimeter landscaping requirements along the southwest lot line, where the new fire access road is to be installed.

#### Loading By Requirement

The Zoning Review Memorandum, dated August 30, 2007 (*SEE “ATTACHMENT A”*), notes that the petitioner requires a waiver for a loading bay of less than the standard required dimension of 10’ x 35’ and, for which, the petitioner has requested a waiver. However the current plans show a loading bay of the proper dimensions and a waiver does not appear necessary.

#### Number of Parking Spaces and Locations

The parking history of the site indicates that in 1976 a variance (#19-76) authorized a reduced total of 42 spaces. Sometime during the 1980s or 1990s a new property owner added 24 more spaces without the benefit of any city permits. The current owners find that the 66 spaces are inadequate for the number of staff, visitors, and outpatient physician treatments required for today’s standard of nursing and rehabilitative care. The City’s Zoning Ordinance requirement for the use, based on a bed count of 180, is as follows:

$$\begin{aligned} 180 \text{ bed}/4 &= 45 \\ 96 \text{ staff on largest shift}/3 &= 32 \\ \underline{45 + 32} &= 77 \end{aligned}$$

Submitted plans propose a total of 103 parking spaces, which exceeds the City’s minimum requirements. However, standard nursing operations require an overlap

during the transition of shifts, something that the City's Zoning Ordinance does not appear to take into account. The traffic analysis states that the peak facility parking demand will be 90 vehicle spaces. 103 spaces are proposed. This means that projected occupancy of the spaces will be around 87%, leaving 13% of the spaces available. Maintaining occupancy between 85% and 90% is optimal for assuring good use of the lot, minimizing circulation around the site, and keeping overspill parking off of adjacent residential streets. However, the Board may wish to consider a modest reduction in the number of parking spaces to provide additional open space.

The City's Transportation Planner agrees that additional parking is needed to handle the volume of vehicles accessing the site. During several recent site visits, he observed a maximum of 65 cars parked on the site, including several illegally parked vehicles and vehicles parked in the fire lane; this is an even higher number of vehicles than was described in the traffic analysis. In addition to the 65 vehicles observed in the parking lot, eight cars were observed at the end of Beacon Street Extension and were presumed to be associated with the Health Care Center. On a February 19, 2008 site visit, Planning Department staff noted 67 vehicles, two of which were parked illegally in the maneuvering aisle running down the center of the main lot, as well as four vehicles in the rear of the structure that appeared to be subcontractor vehicles. Staff also noted non-compliant dimensions of the proposed handicapped spaces.

- D. Lighting and Landscaping. The landscape plan indicates that 154 caliper inches of existing trees will be removed from the site, replaced with 105 caliper inches of deciduous trees. Some of the trees being removed are identified as dead or dying on the landscape plan. A tree removal and replacement plan should be reviewed and approved by the City's Tree Warden.



- E. Grading. A grade change of more than three feet is needed to install the fire access road proposed for the west side of the property and for the proposed eight-vehicle parking lot accessed off Beacon Street Extension. The maximum proposed change in grade is six feet.

The grade change and installation of the eight vehicle parking area will be surrounded by a five-foot retaining wall. If the Board finds that additional open space is needed and that parking should be reduced, Planning Department staff recommends this area be converted to open space. This area requires significant excavation and an additional curb cut from Beacon Street Extension and places parking in the side setback.



Figure 8. Location of 8 space parking lot

A retaining wall with a maximum height of approximately five feet will be required to support the proposed truck access road. The petitioner is proposing to replace the eight-foot wooden fence that runs closer to the property line, and as a second sound barrier, to top the retaining wall with an eight-foot high wood fence. A fence atop the retaining wall will do a better job of assuring that the abutters on Belmore Park will not see the roadway. The access road is 14 feet wide.

- F. Signage. Three freestanding signs will direct visitors and staff to the appropriate entrances to the site. One existing sign at the current entrance will be replaced, and two new signs will be installed, one at the corner of Washington Street and Beacon Street Extension, and the other at the proposed entrance farther down Beacon Street Extension. Sign #1, located at the corner of Washington Street and Beacon Street Extension is the largest of the



Figure 9. Location of free standing sign

three signs at 32 sq. ft. Signs #2 and #3 are both smaller at 18 sq. ft. The Zoning Review Memorandum, dated August 30, 2007 (*SEE ATTACHMENT "A"*), notes that one sign is 32 square feet and signs #2 and #3 exceed the 20 square foot limit and require a waiver. However, the current plans show both signs to be 18 square feet and in compliance with the Zoning Regulations and do not require a waiver.

Uplighting is indicated for the three freestanding signs. The City's Light Ordinance, dated March 21, 2005, requires that light sources shall shine downward, with an exception for light sources, which are rated at a total that does not exceed 100 lumens. The petitioner must either demonstrate that the uplighting is less than 100 lumens or change the lighting to down lighting that meets the requirements of the light ordinance. The signs are painted, but the underlying material is not indicated and should be identified.

#### IV. COMPREHENSIVE PLAN

One of the goals of the *Newton Comprehensive Plan* is to maintain the commercial tax base and employment base. The Newton Health Care Center is a for-profit nursing facility that has existed at the site for nearly 30 years. The nature of the health care system has caused the facility to adapt to new methods of care for the elderly, and the site must adapt to these methods as well. The need to upgrade the site has to be balanced against the impact of the site on the immediate neighborhood.

#### V. TECHNICAL REVIEW

- A. Dimensional Controls. The following chart illustrates how the proposed nursing care facility in a Single Residence 2 District meets the requirements of the City's Zoning Ordinance. As discussed in the Zoning Review Memorandum, certain parameters from Section 30-15, Table 1 do not apply.

| <u>Section 30-15, Table 2<br/>SR2</u> | <b>Ordinance SR2</b> | <b>Existing</b> | <b>Proposed</b>         |
|---------------------------------------|----------------------|-----------------|-------------------------|
| Min. Lot Size                         | 10,000 s.f.          | 121,500 s.f.    | 121,500 s.f.            |
| Min. Frontage                         | 80 ft.               | 422.44 ft..     | 422.44 ft.              |
| Setbacks                              |                      |                 |                         |
| Front                                 | 25 ft.               | 74.6 ft.        | 74.6 ft.                |
| Side                                  | 7.5 ft.              | 25.8 ft.        | 25.8ft.                 |
| Rear                                  | 15 ft.               | 54.2 ft.        | 54.2 ft.                |
| FAR                                   | Discretion of BOA    |                 | <b>.45 or .59(CZCO)</b> |
| Max. Bldg. Height                     | 30 ft.               | 35.4 ft.        | <b>35.5 ft.</b>         |
| Max. # of Stories                     | 2.5 stories          | 2               | 2                       |
| Min. Open Space                       | Discretion of BOA    | 55 %            | 41.5 %                  |
|                                       |                      |                 |                         |

As shown in the table above, the lot and structure meet all of the dimensional requirements except the technical increase of .1 ft. in height.

- B. Parking Requirements. The following chart illustrates how the proposed nursing care facility in a Single Residence 2 District compares to the parking requirements of Section 30-19:

| Section 30-19                     | Ordinance                                | Existing                       | Proposed                                 |
|-----------------------------------|--|--------------------------------|--|
| Min. # of parking stalls          | 77 stalls                                | 65 stalls                      | 103 stalls                               |
| Min. stall dimensions             | 9 ft. x 19 ft.                           | unknown                        | <b>8.5 ft. x 19 ft.</b>                  |
| Setbacks<br>Front<br>Side<br>Rear | 25 ft.<br>7.5 ft<br>15 ft                | 10.5 ft.<br>8.5 ft.<br>303 ft. | <b>15.5 ft.<br/>5.0 ft<br/>5.8 ft.</b>   |
| Entrance/Exit Drives              | 12 ft. min one way<br>20-25 ft. two way  | unknown                        | 20 ft. and 24 ft.                        |
| Min. # of HC stalls               | 4 stalls                                 | Unknown                        | 7 stalls                                 |
| Min. HC stall dimensions          | 12 ft x 19 ft.                           | Unknown                        | <b>&lt; 12ft. x 19ft.</b>                |
| Min. maneuvering end space        | 5 ft.                                    | Unknown                        | <b>Not indicated</b>                     |
| Min. maneuvering aisles width     | 24 ft. (two-way)                         | unknown                        | <b>&lt; 24 ft.</b>                       |
| Min. # of loading spaces          | 1  | 1                              | 1  |
| Min. loading space dimensions     | 10 ft.(W) x 35 ft.<br>(L) x 12 ft. (Ht.) | unknown                        | 10 ft.(W) x 35 ft.<br>(L) x 12 ft. (Ht.) |
| Min. Lighting                     | 1 ft. candle                             | unknown                        | <b>&lt; 1 ft. candle</b>                 |
| Bicycle Parking                   | 1 space per 10 parking stalls            | unknown                        | 11 spaces                                |

As shown in the table above, the driveway and parking area(s) do not meet all of the requirements of the parking ordinance.

C. Other Department Comments

1. Engineering Division. (SEE "ATTACHMENT B")
2. Fire Department. (SEE "ATTACHMENT C")

D. Summary of Zoning Reliefs Requested. The Chief Zoning Code Official's review dated August 30, 2007 is attached to this memorandum (*SEE "ATTACHMENT A"*). As noted in the text, some items listed in the petition no longer apply based on revisions made subsequent to the CZCO's memo. The petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:

- 30-15, Table 130-21(b), Approval to extend existing non-conforming nursing home building height from 35.4 ft. to 35.5 ft.;
- Section 30-19(m) for exceptions to the parking requirements including:
  - 30-19(h)(1), to allow placement of 23 spaces partially or fully within the front setback from Washington Street, but not closer than 5 ft. to the street;
  - 30-19(h)(1), to allow placement of 12 spaces partially or fully within the front setback from Beacon Street Extension, but not closer than 5 ft. to the street;
  - 30-19(h)(1), to allow placement of 9 spaces partially or fully within the side setback from the westerly property line;
  - 30-19(h)(1), to allow placement of designated light poles within the front, side, and rear parking setback areas to the extent necessary and as shown on plan;
  - 30-19(h)(2)a), to reduce parking stalls #63-72 and #75-98 to 8.5 ft. x 19 ft. including 2 ft. bumper overhang where shown on plan;
  - 30-19(h)(2)b), to reduce HP parking stall width of either stall # 9 or #10 to allow overlapping middle area resulting in one stall having 8 ft. width;
  - 30-19(h)(2)b), to reduce HP parking stall width of either stall # 73 or #74 to allow overlapping middle area resulting in one stall having 8 ft. width;
  - 30-19(h)(2)b), to reduce required maneuvering aisle width variously as follows: 23 ft. at side lot accessed from Beacon St. Extension and 22 ft. at rear lot;
  - 30-19(h)(2)b), 30-19(l)(3)a) to reduce required maneuvering aisle to 12 ft. at southwest side lot in conjunction with loading bay provided unimpeded vehicular circulation is ensured;
  - 30-19(i)(1), pertaining to perimeter landscaping along southwest lot line with abutting residences, to the extent necessary;
  - 30-19(i)(2), pertaining to interior landscaping within rear lot, to the extent necessary;
  - 30-19(j)(1)a), to allow lighting levels less than 1 ft. candle at various locations within parking areas and drives as shown on photometric plan;
  - 30-19(j)(1)b) to allow lighting spillover at certain parking entry drives as shown on photometric plan.
- 30-20(e)(3), 30-20(l), Approval of one additional institutional freestanding sign along Beacon Street Extension;

- 30-5(b)(4), Approval of grade changes exceeding three feet and related retaining walls;
- 30-20(l), 30-23, Approval to locate two new institutional freestanding signs as shown on submitted plans;
- BO#185-69, Cond.#1,2; BO#53-76, Cond.#2,3,4 30-23  
Approval to replace/amend prior site, landscaping, and parking plans consistent with proposed new plans, including open space and FAR;
- 30-24(d), Approval of amended special permit; and
- 30-24(d) BO# - see text.  
Amend prior Board Orders BO #185-69, 53-76, 53-76(2), and #378-80 to the extent necessary. All ongoing conditions not amended by this action to remain in full force and effect.

## VI. SUMMARY OF PETITIONER REPONSIBILITIES

Planning Department staff would ask that the petitioner provide the following additional information at the March 11 Public Hearing:

- description of the types of activities that now occur in this facility;
- further explanation of the number of vehicles expected to enter and exit the site from Beacon Street Extension during the facility's peak hour, and its impact on the residents of Beacon Street Extension;
- clarification of the basis for the parking analysis and expected impact on the available open space on the site;
- a tree removal and replacement plan and a letter of review and approval from the City's Tree Warden;
- demonstration that the uplighting for the three freestanding signs is less than 100 lumens or, as an alternative, change the lighting to down lighting that meets the requirements of the City's Light Ordinance; and
- confirm revisions to the loading bay and signage to verify waivers are no longer needed.

## **ATTACHMENTS**

|                      |  |
|----------------------|--|
| <b>ATTACHMENT A:</b> | <i>Zoning Review Memorandum, August 30, 2007</i>             |
| <b>ATTACHMENT B:</b> | <i>Memorandum for Associate City Engineer, March 6, 2008</i> |
| <b>ATTACHMENT C:</b> | <i>Memorandum from Fire Department, March 7, 2008</i>        |
| <b>ATTACHMENT D:</b> | <i>Sign proposals (3)</i>                                    |
| <b>ATTACHMENT E:</b> | <i>Site Plan</i>   |
| <b>ATTACHMENT F:</b> | <i>Land Use Map</i>  |
| <b>ATTACHMENT G:</b> | <i>Zoning Map</i>  |

## ***Zoning Review Memorandum***

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Dt: August 30, 2007

To: Jason Rosenberg, esq., representing Washington St. LLC

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Michael Kruse, Director, Department of Planning and Development  
John Lojek, Commissioner of Inspectional Services

Re: **Zoning Review: Newton Health Care Ctr. – Skilled nursing home facility renovation; associated parking and site alterations.**

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**Site:** 2101 Washington St., Newton

**Zoning:** Single Residence 2

**Current use:** Nursing home

**SBL:** Section 42, Block 9, Lot 17

**Site Area:** 126, 423 sq. ft. [GIS]

**Prop. use:** Nursing home with reduced bed count and revised site layout.

### **Background:**

In 1969, the Board of Aldermen approved Board Order #185-69, granting a special permit for a 120-bed nursing home, which was then constructed on the subject site. Over the years subsequent board orders and a variance enabled increase of bed capacity, site layout alterations, and reduced parking. In addition, various site changes also have apparently occurred without the benefit of building permit or approval by the Board of Aldermen. The current applicant and owner of this facility seeks to upgrade and modernize the building while reducing bed capacity, increasing parking, and seeking the required approvals. The proposed changes necessitate approval by the Board of Aldermen to amend prior plans and board orders currently in effect.

### **Administrative determinations**

1. The site is subject to a series of board orders and special permits granted by the Board of Aldermen over the years along with a variance granted by the Zoning Board of Appeals (see Materials and Plans Reviewed, below). These documents govern the site and will need to be amended to the extent applicable and necessary in order to reflect proposed changes, subject to approval of the granting authorities. The lot appears to have been created in 1939 and is deemed a pre-1953 lot for the purposes of the following analysis. It is noted that the following discussion is based on such plans as have been received to date and are referenced below. However, the applicant is responsible for providing such further information as necessary to clarify whether certain easements are considered part of the site or are external to the site, which will affect determination of the applicable site area and any area-related calculations as well as setbacks.
2. The attorney for the petitioner represents that Beacon St. Extension is comprised of a City-owned portion near the intersection with Washington St., while the remaining right of way is

owned to the centerline by abutters. The petitioners seek to improve their side of the right of way with a driveway leading to the proposed side and rear parking lots. Individual residence driveways will be allowed to connect to this private drive. Although part of the development plan, the driveway portion within the Beacon St. Extension right of way is not part of the site for the purposes of ascertaining zoning compliance and reliefs. The petitioner is responsible for obtaining the City Engineer's review and approval of the subject driveway and any related utilities.

3. *Section 30-8(b)3* allows nursing homes in single residence zones subject to special permit from the Board of Aldermen. Board Order #185-69, May 5, 1969, approved the original facility and site plan, which was extended, further amended, and further extended over time. As a result, the nursing home use has been previously approved and requires no relief as to use at this time.
4. *Section 30-15, Table 1 – Density & Dimensional Controls in Residence Districts and for Residential Uses*, establishes the applicable parameters for land zoned Single Residence 2. Although Table 1 provides controls for residential uses, no controls are articulated for a nursing home type use in Single Residence zones. It is noted that in such situations Section 30-15(a) seeks to apply the most restrictive controls from such other district where the subject use is available as of right. As this use is not available as of right in any zone, this provision does not apply. While it appears that past practice has been to apply Table 1 to such institutional uses when located in Single Residence zones, these parameters were established primarily for residential dwellings. In comparison, controls provided for Residential Care Facilities in the Multi-residence 3 and 4 zones indicate parameters more applicable to an institutional type use and building. However, these are not available to the subject nursing facility. As noted in paragraphs 1 and 3, above, the City authorized the original facility along with subsequent changes over the years through the site plan review and special permit process, granting the Board Orders referenced herein. These approvals and related plans and conditions are subject to the discretion of the Board of Aldermen and govern the site. The following discussion is limited to contemplated changes to the facility and site in relation to potentially applicable controls. A number of Table 1 parameters do not apply as discussed below.

Although no new exterior construction affecting the building height will occur, alteration of surrounding grades will result in a minimal technical increase in height from 35.4 ft. to 35.5 ft. A building height of 40 ft. applicable to all buildings was allowed in the SR-2 zone for many years, then was reduced to 30 ft. in 1997. As a result, the applicant needs Board of Aldermen approval for extension of non-conforming structure as to height.

Submitted plans indicate that a proposed average grade plane of 117.0 ft. has been calculated. Based the definition of "basement" articulated in *Section 30-1, Definitions* and submitted plans, the existing building appears to have three stories in the front and middle sections, and two stories in the rear section. Although the three-story limit applicable to all buildings in the SR-2 zone was previously allowed for many years, in 1997 the maximum number of stories was reduced to 2.5. However, as no change in story count is proposed, no zoning relief is required as to the number of stories.

The current FAR limit in the SR-2 zone adopted in 1997 is 0.3 for single-family dwellings. No FAR limit applied when the facility was originally built and later expanded. A Planning Department memorandum in 1976 notes an FAR of 0.57 for the facility. Submitted plans indicate an FAR of 0.45, a calculation that appears to include two floors only. When non-residential FAR is calculated for all floors consistent with the definition articulated in Section 30-1 excluding the rear basement floor, an approximate figure of 0.59 is obtained. The applicant is responsible for providing such information as needed to ascertain the actual proposed FAR. However, Table 1 neither includes a nursing home type facility nor assigns an FAR requirement to such a facility. As a result, this requirement is subject to the discretion of the Board of Aldermen pursuant to the site plan and special permit review and approval process.

Submitted plans indicate that open space will be reduced from 53% to 38.3%. While less than the required 50% minimum which would be applicable to a single family dwelling on this property, the open space requirement was adopted into the Zoning Ordinance in 1987, considerably after site plans for the current facility were approved as revised per the referenced Board Orders. Moreover, Table 1 neither includes a nursing home type facility nor assigns an open space requirement to such a facility. As a result, this requirement is subject to the discretion of the Board of Aldermen pursuant to the site plan and special permit review and approval process.

5. *Section 30-19(d), Number of Parking Stalls*, paragraph (9) establishes the required number of parking stalls for a nursing type facility. Prior approvals, including Variance #19-76, authorized a reduced total of 42 spaces, yet at the present time, there are 66 spaces on site, including additional spaces installed without benefit of permit. Submitted plans propose a total of 106 spaces. This exceeds the required number of spaces for the renovated facility, calculated as follows:  $180 \text{ beds} / 4 = 45 + 96 \text{ staff on largest shift} / 3 = 32$ , totaling 77 spaces. Standard nursing facility operations require a transitional overlap of shifts. While the Zoning Ordinance does not speak to this consideration, information submitted by the applicant suggests that a maximum overlap involving 41 staff occurs during the shift change at 3PM. The proposed 106 spaces would provide sufficient parking to accommodate the total of 91 spaces needed for such a transitional staffing overlap. In addition, Section 30-19(h)(2)c) requires 4 HP stalls, exceeded by the 7 HP spaces designated on submitted plans.
6. *Section 30-19(h), Design of Parking Facilities*, establishes the applicable design requirements, wherein paragraph (h)(1) addresses setbacks pertaining to parking. Submitted plans indicate a significant number of parking stalls will be located partially or fully within front setbacks as follows: 23 spaces within the front setback from Washington St. and 12 spaces within the front setback from Beacon St. Extension. In addition, 9 spaces will be located partially or fully within the side setback along the westerly property line.

Paragraph (h)(2) sets out parking stall dimensions. Proposed parking stalls come in various sizes and include bumper overhangs which conform to Section 30-19(h)(2)d) in that the overhangs are not counted as part of the screening requirement established in Section 30-19(i). Many parking stalls are under the required standard dimensions as follows:

- Stalls# 63 –72 and 75- 98 are 8.5 ft. x 19 ft. [with 2 ft. overhangs included]



- HP stalls # 9 and 10 have an overlapping middle area. As a result, one stall is 4 ft. narrower than the required 12 ft. width.
- HP stalls #73 and 74 are 8 ft. x 19 ft. [with 2 ft. overhangs included] and have an overlapping 4 ft. middle area. As a result, one stall is narrower than the 12 ft. required width.

The maneuvering aisles and entrance/exit drives as proposed in the reconfigured parking areas meet the applicable dimensions except as follows:

- Beacon St. Extension side parking area maneuvering aisle is 23 ft., short of 24 ft. required for perpendicular parking.
- Rear parking area maneuvering aisle is 22 ft., short of 24 ft. required for perpendicular parking.
- Southwest side parking area maneuvering aisle is only approximately 12 ft. opposite loading bay, short of required 24 ft. width.

The applicant may wish to revise plans to achieve standard dimensions, or alternatively may seek a waiver for one or more of the above conditions per Section 30-19(m).

7. *Section 30-19(i), Landscaping*, establishes the perimeter screening and internal landscaping requirements for parking facilities. The petitioner proposes to place significant perimeter landscaping at all parking areas. However, it does not appear that a 5 ft. buffer is maintained entirely along the westerly property line with residential abutters. The applicant needs to ensure that one or more of the screening options stated under Section 30-19(i)(1)a) are fully implemented. Alternatively, the petitioner may seek a waiver from the Board of Aldermen per Section 30-19(m). In addition, paragraph (i)(2) establishes the interior landscaping requirements for facilities having more than 20 stalls – in this case the front and rear parking lots. While the front parking lot meets these requirements, insufficient information is available on plan to ascertain whether the rear lot meets the interior landscaped area calculation and dimensions, and also provides the applicable number of trees.
8. *Section 30-23(b)(6)* in conjunction with *Section 30-24(a)* requires the submittal of a site landscape plan, which the petitioner has provided. In addition, the applicant is responsible for ensuring that the proposed plan meets the applicable requirements of *Section 20-31 through 20-39, Tree Preservation Ordinance*.
9. It is noted that while the current stockade fence along the westerly lot line is in disrepair, proposed plans do not appear to indicate a new or replacement fence. However, the petitioner's representatives have indicated that this will be addressed. Moreover, the petitioner is responsible for meeting the requirements of *Section 20-40, Regulation of Perimeter Fences*.

10. *Section 30-19(j), Lighting* establishes the lighting requirements for outdoor parking facilities. The submitted Photometric Plan (undated) indicates that lighting levels vary across the parking areas and site. The minimum intensity level of 1 foot candle is not uniformly achieved. In addition, there appears to be some spillover at certain driveway entry points at Washington St. and Beacon St. Extension, respectively. It is also noted that B.O. #185-69, Condition 4 prohibits security lighting from shining on abutting residential properties. The applicant may wish to revise the lighting plan to meet the above requirements. Alternatively, the applicant may request one or more waivers per 30-19(m), to the extent lighting is below required levels and to the extent the proposed lighting plan results in spillover onto adjacent streets or properties, except residences. It is also noted that a number of light poles (considered structures under the Zoning Ordinance) appear to be located within required parking setbacks, but are not dimensioned. It is the responsibility of the applicant to identify the location of the poles in relation to applicable setbacks. All parking area light poles not meeting setback requirements will necessitate a waiver per Section 30-19(m) subject to approval of the Board of Aldermen. Alternatively, the petitioner may revise the placement of the light poles to minimize location in setback areas. In addition, the petitioner is responsible for complying with *Ordinance X-142, Light Ordinance*, as set out in *Sections 20-23 through 20-28* with respect to *Light Pollution* and *Light Trespass*, respectively.
11. *Section 30-19(k), Bicycle Parking Facilities*, establishes the applicable provisions and requires 11 such bicycle spaces overall. Plans provided by NHCC indicate two bicycle parking rack placements totaling 11 spaces serving the front door.
12. *Section 30-19(l), Off-street Loading Requirements* establishes the applicable provisions. Although B.O. #185-69, Condition 5 regulates the hours of delivery to a loading dock, existing conditions plans do not appear to indicate a loading dock today. The NHCC is proposing a loading bay on the east side adjacent to and utilizing the nearest entry, with no loading dock. However, as the nursing home facility pre-dates the adoption of the loading bay requirement and as no facility expansion is proposed, a loading bay is not required as otherwise provided in this section. It is noted that the proposed exterior surface loading bay will be 10 ft. x 25 ft., less than the standard required dimension of 10 ft. x 35 ft. established in 30-19(l)(3)a). In addition, as the proposed loading bay intrudes into the maneuvering aisle for nearby parking, it does not meet the maneuvering provision established in 30-19(l)(3)a). As a result, the applicant needs to revise plans to meet the above standards, or may seek a waiver pursuant to Section 30-19(m) provided unimpeded vehicular circulation is ensured.
13. *Section 30-20(e) Regulation of Signs in Residence Districts* establishes the applicable provisions for institutions, authorizing one maximum 20 sq. ft. freestanding sign per street frontage. The applicant seeks to reface an existing 16.67 sq. ft. freestanding sign near the driveway entering from Washington St., and install two additional freestanding signs each having 32 sq. ft. as follows: one at the Beacon St. Extension/Washington St. intersection and one at the first proposed new driveway entry from Beacon St. Extension. Although the existing sign meets the sign area requirement, file records contain no building permit authorizing this sign. The applicant will need to obtain approval per standard as of right sign permitting procedures for the proposed refaced sign. In addition, while one additional conforming freestanding sign is available along the Beacon St. Extension frontage, the applicant seeks two such signs, both of which exceed 20 sq. ft. As a result, the petitioner

needs to obtain Board of Aldermen approval pursuant to Section 30-20(l) for the additional freestanding sign and also for each sign exceeding the 20 sq. ft. limitation.

14. *Section 30-5(b)(4)* requires a special permit whenever "...the existing contours of the land are to be altered by more than three (3) feet." The applicant has provided a plan identifying the areas involving grade change in excess of 3 ft. A long retaining wall is proposed along the westerly lot line, ranging in height from approximately 1 ft. to 5 ft. above finished grade, located entirely within the side setback. Another retaining wall approximately 5 ft. above grade is planned at the proposed side parking area accessed from Beacon St. Extension and is also partially located within the setback.

The Commissioner of Inspectional Services, has determined that retaining walls located within setbacks which are an integral part of plans designed to handle grade changes in excess of 3 ft. may be addressed as part of the special permit process required for 3 ft. grade changes, and need not also to seek a variance from the Zoning Board of Appeals. The subject retaining walls are shown on plan in conjunction with 3 ft. grade changes. It is noted that approval of the City Engineer is required for the proposed retaining walls and various site and utility elements. Plans approved by the City Engineer should be provided not later than at the time of filing the petition with the Board of Aldermen. The Board of Aldermen may at its discretion approve, modify or disapprove the proposed 3 ft grade changes and related retaining walls.

15. See "Zoning Relief Summary" table below.

|                            | <b>Extension of Non-Conforming Structure</b>  |     |
|----------------------------|---|-----|
| 30-15, Table 1<br>30-21(b) | Approval to extend existing non-conforming nursing home building height from 35.4 ft. to 35.5 ft.   | X   |
|                            | <b>Use</b>  |     |
|                            | Nursing home use previously approved.   | N/A |
|                            | <b>Parking</b>  |     |
| 30-19(h)(1)<br>30-19(m)    | Approval of waivers to allow placement of 23 spaces partially or fully within the front setback from Washington St., but not closer than 5 ft. to the street.         | X   |
| 30-19(h)(1)<br>30-19(m)    | Approval of waivers to allow placement of 12 spaces partially or fully within the front setback from Beacon St. Extension, but not closer than 5 ft. to the street.   | X   |
| 30-19(h)(1)<br>30-19(m)    | Approval of waivers to allow placement of 9 spaces partially or fully within the side setback from the westerly property line.  | X   |
| 30-19(h)(1)<br>30-19(m)    | Approval of waivers to allow placement of designated light poles within the front, side, and rear parking setback areas to the extent necessary and as shown on plan. | X   |
| 30-19(h)(2)a<br>30-19(m)   | Approval of waivers reducing parking stalls #63-72 and #75-98 to 8.5 ft. x 19 ft. including 2 ft. bumper overhang where shown on plan.                                | X   |
| 30-19(h)(2)b)              | Approval of waivers reducing HP parking stall width of either   |     |

|          |  |   |
|----------|--|---|
| 30-19(m) | stall # 9 or #10 to allow overlapping middle area resulting in one stall having 8 ft. width. | X |
|----------|--|---|

| Parking (cont.)   |   |     |
|---|---|-----|
| 30-19(h)(2)b)<br>30-19(m)                                     | Approval of waivers reducing HP parking stall width of either stall # 73 or #74 to allow overlapping middle area resulting in one stall having 8 ft. width.                 | X   |
| 30-19(h)(2)b)<br>30-19(m)                                     | Approval of waivers reducing required maneuvering aisle width variously as follows: 23 ft. at side lot accessed from Beacon St. Extension and 22 ft. at rear lot.           | X   |
| 30-19(h)(2)b)<br>30-19(l)(3)a) 30-19(m)                       | Approval of waiver reducing required maneuvering aisle to 12 ft. at southwest side lot in conjunction with loading bay provided unimpeded vehicular circulation is ensured. | X   |
| 30-19(i)(1)<br>30-19(m)                                       | Approval of waiver(s) pertaining to perimeter landscaping along southwest lot line with abutting residences, to the extent necessary.                                       | X   |
| 30-19(i)(2)<br>30-19(m)                                       | Approval of waiver(s) pertaining to interior landscaping within rear lot, to the extent necessary.  | X   |
| 30-19(j)(1)a)<br>30-19(m)                                     | Approval of waiver to allow lighting levels less than 1 ft. candle at various locations within parking areas and drives as shown on photometric plan.                       | X   |
| 30-19(j)(1)b)<br>30-19(m)                                     | Approval of waiver to allow lighting spillover at certain parking entry drives as shown on photometric plan.  | X   |
| 30-19(l)(3)a<br>30-19(m)                                      | Approval of waiver to allow reduced loading bay area of 10 ft. x 25 ft.   | X   |
|   | <b>Signs</b>  | N/A |
| 30-20(e)(3)<br>30-20(l)                                       | Approval of one additional institutional freestanding sign along Beacon St. Extension.  | X   |
| 30-20(e)(3)<br>30-20(l)                                       | Approval of two institutional freestanding signs each exceeding 20 sq. ft. as shown on sign plans.  | X   |
|   | <b>Site</b>   | N/A |
| 30-5(b)(4)  | Approval of grade changes exceeding three feet and related retaining walls.   | X   |
| 30-20(l)<br>30-23   | Approval to locate two new institutional freestanding signs as shown on submitted plans.  | X   |
| BO#185-69,<br>Cond.#1,2;<br>BO#53-76,<br>Cond.#2,3,4<br>30-23 | Approval to replace/amend prior site, landscaping, and parking plans consistent with proposed new plans, including open space and FAR.                                      | X   |
|   | <b>Special Permit</b>   |     |
| 30-24(d)  | Approval of amended special permit  | X   |
| 30-24(d)  | Amend prior Board Orders BO #185-69, 53-76, 53-76(2), and   |     |

|                      |   |   |
|----------------------|---|---|
| BO# - see text.      | 378-80 to the extent necessary. All ongoing conditions not amended by this action to remain in full force and effect. | X |
| <b>Variances</b>     |   |   |
| Var. #19-76<br>30-27 | Approval to amend prior variance to the extent necessary.   | X |

### **Materials and Plans Reviewed:**

#### Reference materials

- Board Order #185-69, May 5, 1969, approving original facility and site and extension approved October 20, 1969.
- Board Order #53-76, April 5, 1976, approving larger facility subject to parking variance and extension approved May 2, 1977.
- Zoning Board of Appeals Variance #19-76, June 22, 1976 granting parking variance
- Board Order #373-80, June 16, 1980, approving extension of B.O.#53-76.

#### Plans

- Plan titled "Photometric Plan", undated, prepared by Spec-Lines, 624 Main St. (Rear), Reading, MA 01867
- Plan set titled "Sign for Newton Health Care Center Care One", dated 6/28/07, prepared by Borglund Tyson, LLC, Architecture, Planning, 1106 Indiantown Rd., Suite 1, Jupiter, FL 33458, bearing no professional stamp or signature, consisting of the following:
  - Sheet 1 of 3 – Exterior Sign #1
  - Sheet 2 of 3 – Exterior Sign #2
  - Sheet 3 of 3 – Exterior Sign #3
- Photos of existing freestanding single sign 60" x 44" westerly and easterly sides.
- Plan titled "Landscape Design Plan, 2101 Washington St., Newton, MA", dated June 20, 2007, prepared by Judge Design Assoc., Milton, MA., stamped and signed by John T. Judge, Registered Landscape Architect.
- Plan titled "Plan of Land in Newton, MA, 2101 Washington St., Existing Conditions", dated December 28, 2004, prepared by Everett M. Brooks Co., Surveyors & Engineers, 49 Lexington St., MA 02465, bearing no stamp or signature of a registered professional.
- Plan set titled "Site Plan of Land in Newton, MA, 2101 Washington St." dated June 28, 2007, prepared by Everett M. Brooks Co., Surveyors & Engineers, 49 Lexington St., MA 02465, stamped and signed by Michael J. Kosmo, Registered Professional Engineer and stamped (not signed) by Bruce Bradford, Professional Land Surveyor, respectively, consisting of the following:
  - Sheet 1 of 5 – Layout and Grading Plan
  - Sheet 2 of 5 – 3 ft. Grade Plan

- Sheet 3 of 5 – Area Wide Plan
- Sheet 4 of 5 – Fire Protection Plan
- Sheet 5 of 5 – Drainage & Utility Plan [neither stamped nor signed]

CITY OF NEWTON  
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 2101 Washington Street

Date: March 6, 2008

CC: Lou Taverna, PE City Engineer (via email)  
Candice Havens, Chief Planner (via email)  
Linda Finucane, Associate City Clerk (via email)  
Jean Fulkerson, Planner (via email)

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In reference to the above site, I have the following comments for a plan entitled:

*Site Plan of Land in  
Newton, MA  
2101 Washington Street  
Prepared by: Everett M. Brooks Company  
Dated: February 5, 2008*

Drainage:

1. Although a soil evaluation log was submitted, no information was provided for the percolation rate in accordance to Title V.
2. The proposed catch basin #8 should be relocated to the edge of the proposed driveway since the driveway has a crowned cross-section; the proposed location is at the high point of the cross-section. Furthermore, the granite curbing should be extended from catch basin #7 (westerly) edge of the driveway down towards the rear northerly corner of the parking lot where the curbing is proposed, this will keep the runoff from the driveway on-site, and direct it to catch basin #8.
3. The drainage analysis is correct for the City of Newton's 100-year storm event; however; the analysis did not indicate existing runoff that enters the City system; this

break down should be submitted for comparison with the proposed conditions. Although there is an existing connection to the City's drainage system, it would be preferred that some on-site infiltration be provided for the drainage system collecting runoff from the horseshoe shaped driveway and parking lot along Washington Street prior to connecting to the City's drainage system.

4. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted, and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
5. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the applicant.
6. When a connection to the City's drainage system is proposed, prior to approval of the Utility Connection Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and be witnessed as described above.

### 3' Grade Change:

1. The areas designated as the 3' grade change are correct, there should be no negative impact to the abutters provided all slopes are stabilized, landscaped and properly maintained, and the entire edge of the proposed driveway has granite curbing installed.
2. A construction maintenance plan should be generated for the site, to address phasing, delivery of materials, stockpiling of materials & equipment, temporary parking for construction company employees. Parking and storage of equipment on Beacon Street Extension should be avoided for safety sake, as this private way provides access to three homes.
3. The contractor of record should retain Newton Police Officers during construction hours, specifically when materials are being delivered to the site, and to aid vehicles exiting onto Washington Street.
4. A stabilized construction entrance will be needed with a tire wash, also the contractor of record will be required to provide mechanical sweeping of Washington Street if vehicles from the site track mud onto the street.



Easements:

- There is a service gate to the Woodland Golf Course is there an easement for this access point.

Water:

- Does the existing building have a fire suppressions system? This should be reviewed by the Fire Department.

Overhead Utilities:

- Although not required, the applicant should consider the removal of overhead electric and telephone wires and placing them underground.

Snow Removal:

Currently the City plows Beacon Street Extension for public safety, however the expanded parking lot at the rear of the property will be the responsibility of the applicant.

Traffic Impact & Site Circulation:

- This will be addressed by the Traffic Engineer via separate cover.

General:

1. All tree removal shall comply with the City's Tree Ordinance.
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
3. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*

4. The applicant will have to apply for a Building permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

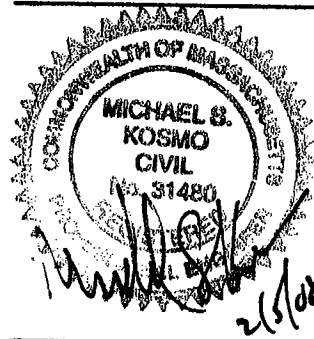
If you have any questions or concerns please feel free to contact me @ 617-796-1023.

# ATTACHMENT C

## NEWTON FIRE DEPARTMENT • FIRE PREVENTION •

PLANS HAVE BEEN REVIEWED AND ACCEPTED AS  
NOTED

Plan examiner  
DATE 2/5/08  
1511 317



## SITE PLAN OF LAND IN NEWTON, MA

2101 WASHINGTON STREET  
FIRE ACCESS PLAN

PREPARED FOR:

2101 WASHINGTON STREET, LLC  
173 BRIDGE PLAZA NORTH  
FORT LEE, NJ 07024

SCALE: 1 IN. = 20 FT.

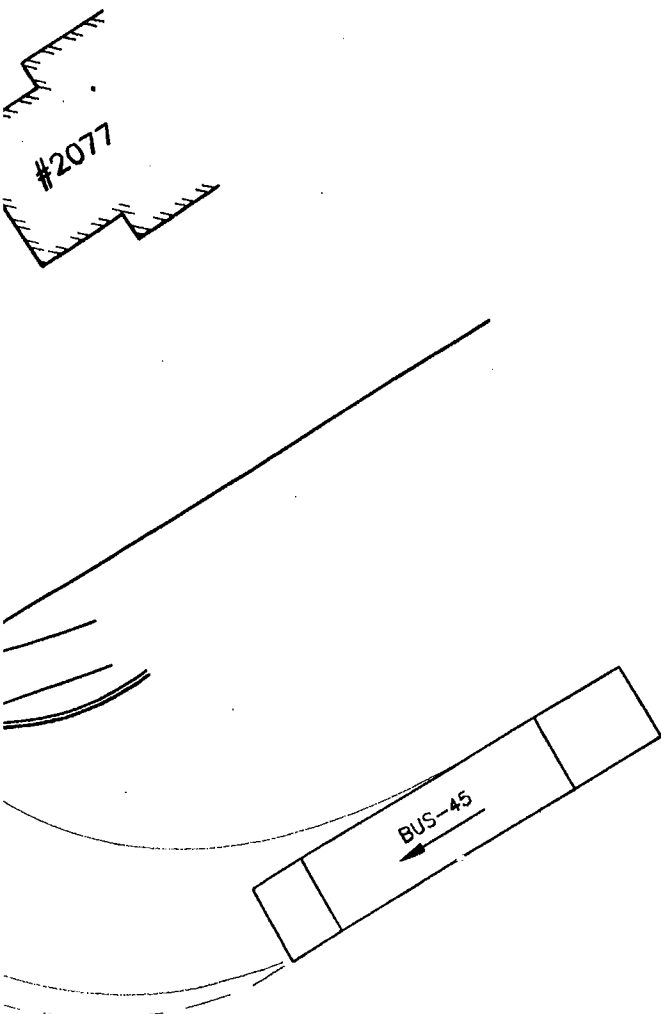
DATE: FEBRUARY 5, 2008

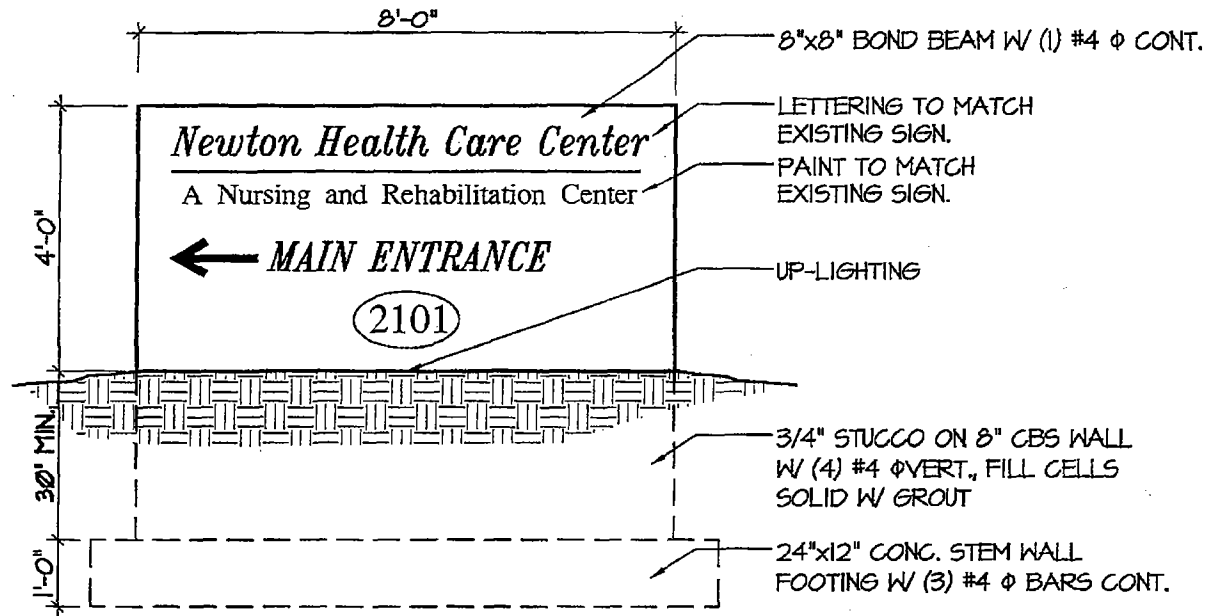
DRAWN: ES

CHECK: MSK & BB

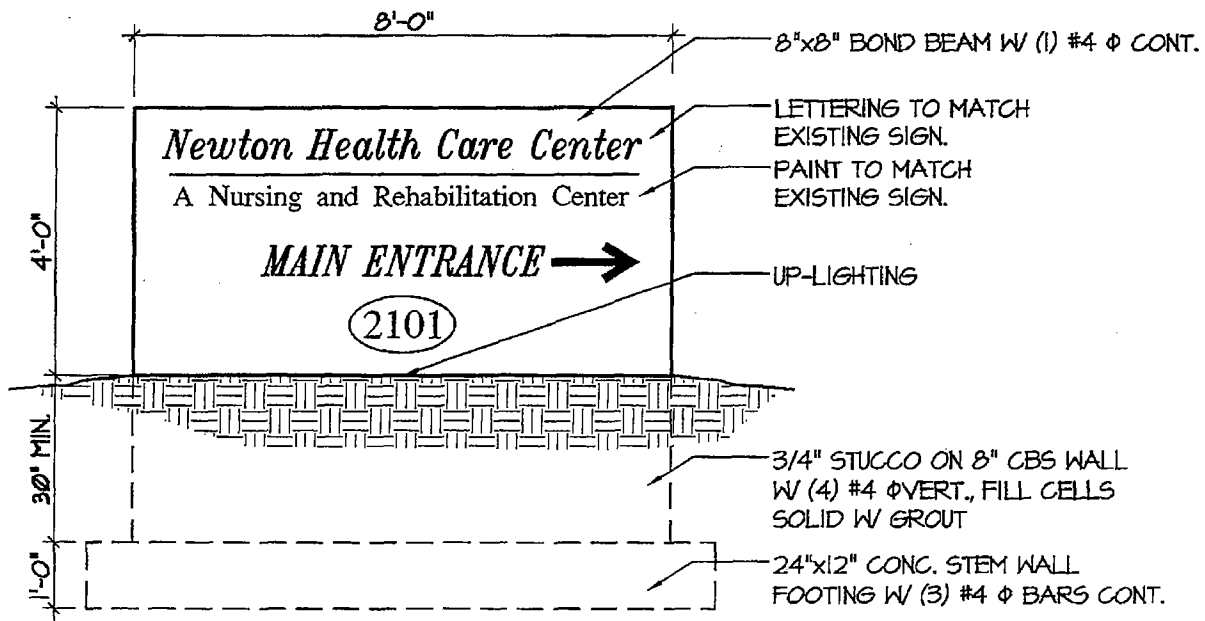
REVISIONS:

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EXT. SIGN #1 LOOKING EAST  
SCALE 3/8" = 1'-0"



EXT. SIGN #1 LOOKING WEST  
SCALE 3/8" = 1'-0"

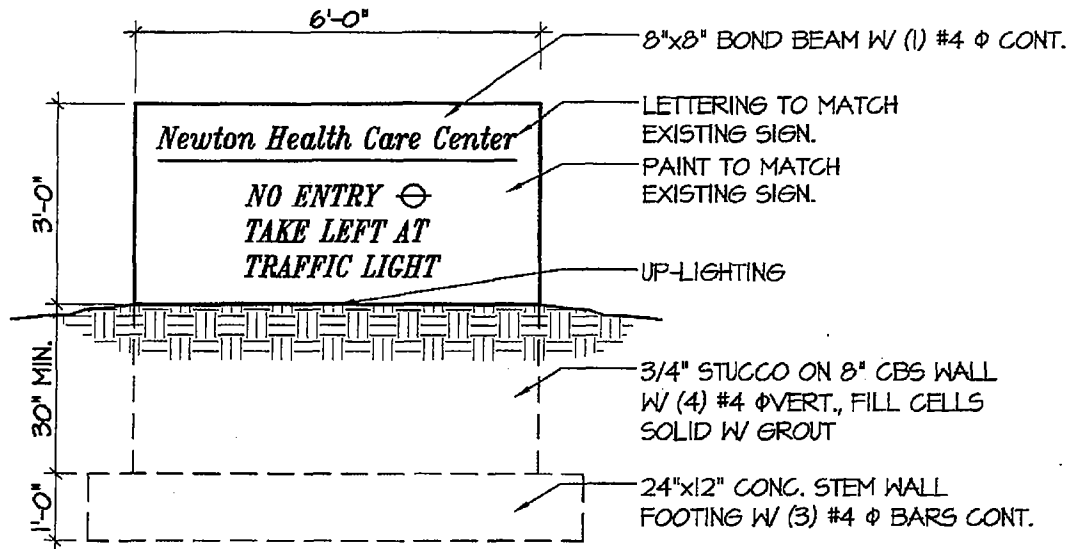
**BORGLUND TYSON, LLC**  
ARCHITECTURE  
PLANNING  
Christopher C. Tyson  
Principal  
1001 E. Washington Road, Suite 1, Jupiter, Florida 33469  
Tel: 561-747-0000 Fax: 561-747-0001  
www.borglundtyson.com  
FL Lic. #AB00000000, AR00000000, PS00000000, CE00000000, SA00000000, SI00000000, ST00000000, SW00000000, TC00000000, TR00000000, TT00000000, VA00000000, VE00000000, VI00000000, VO00000000, VT00000000, VV00000000, VX00000000, VY00000000, VZ00000000, WA00000000, WB00000000, WC00000000, WD00000000, WE00000000, WF00000000, WG00000000, WH00000000, WI00000000, WJ00000000, WK00000000, WL00000000, WM00000000, WN00000000, WO00000000, WP00000000, WQ00000000, WR00000000, WS00000000, WT00000000, WU00000000, WV00000000, WW00000000, WX00000000, WY00000000, WZ00000000, XA00000000, XB00000000, XC00000000, XD00000000, XE00000000, XF00000000, XG00000000, XH00000000, XI00000000, XJ00000000, XK00000000, XL00000000, XM00000000, XN00000000, XO00000000, XP00000000, XQ00000000, XR00000000, XS00000000, XT00000000, XU00000000, XV00000000, XW00000000, XX00000000, XY00000000, XZ00000000, YA00000000, YB00000000, YC00000000, YD00000000, YE00000000, YF00000000, YG00000000, YH00000000, YI00000000, YJ00000000, YK00000000, YL00000000, YM00000000, YN00000000, YO00000000, YP00000000, YQ00000000, YR00000000, YS00000000, YT00000000, YU00000000, YV00000000, YW00000000, YX00000000, YY00000000, YZ00000000, ZA00000000, ZB00000000, ZC00000000, ZD00000000, ZE00000000, ZF00000000, ZG00000000, ZH00000000, ZI00000000, ZJ00000000, ZK00000000, ZL00000000, ZM00000000, ZN00000000, ZO00000000, ZP00000000, ZQ00000000, ZR00000000, ZS00000000, ZT00000000, ZU00000000, ZV00000000, ZW00000000, ZX00000000, ZY00000000, ZZ00000000

SIGN FOR:  
NEWTON HEALTH CARE CENTER  
CARE ONE  
2010 Washington Street  
Newton, Ma.

EXTERIOR  
SIGN # 1

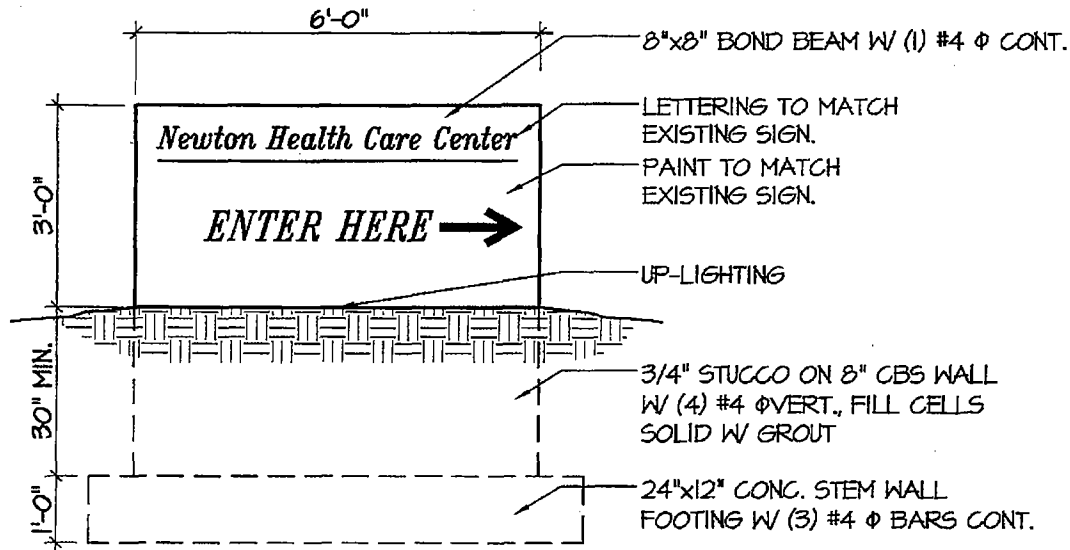
REVISIONS:

|            |         |
|------------|---------|
| DATE       | 6-25-07 |
| SCALE      |         |
| DESIGNER   |         |
| DRAWN      |         |
| CHECKED BY | JRM     |
| JOB #      | 100-32  |



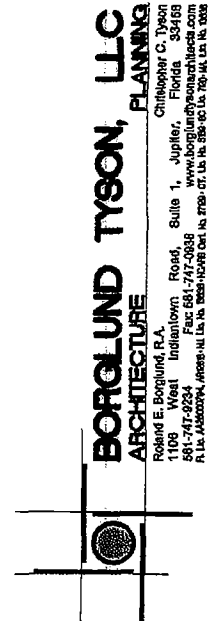
**EXT. SIGN #2 LOOKING EAST**

SCALE: 3/8" = 1'-0"



**EXT. SIGN #2 LOOKING WEST**

SCALE: 3/8" = 1'-0"



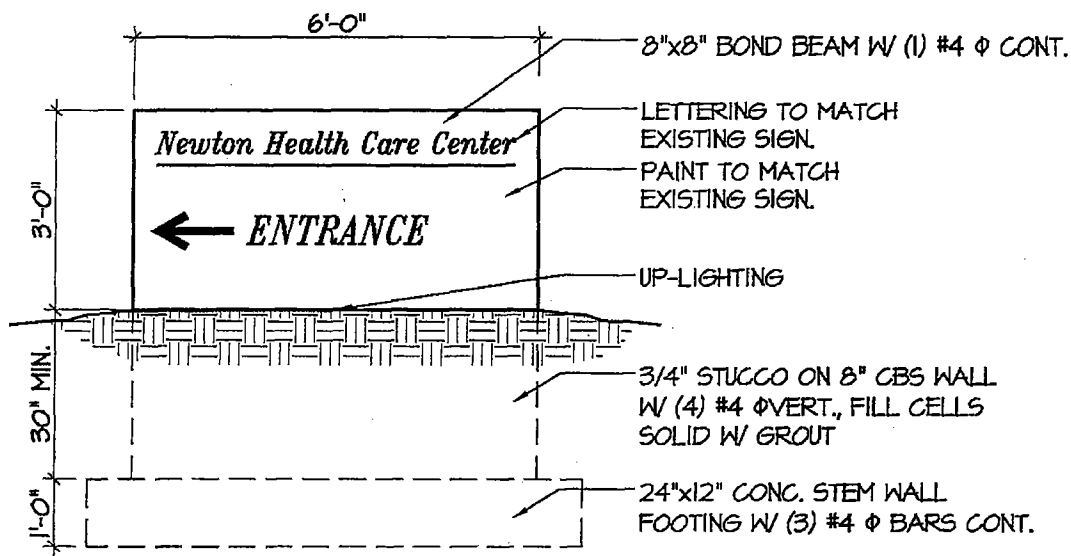
SIGN FOR:  
NEWTON HEALTH CARE CENTER  
CARE ONE  
2010 Washington Street  
Newton, Ma.

EXTERIOR  
SIGN #2

REVISIONS:

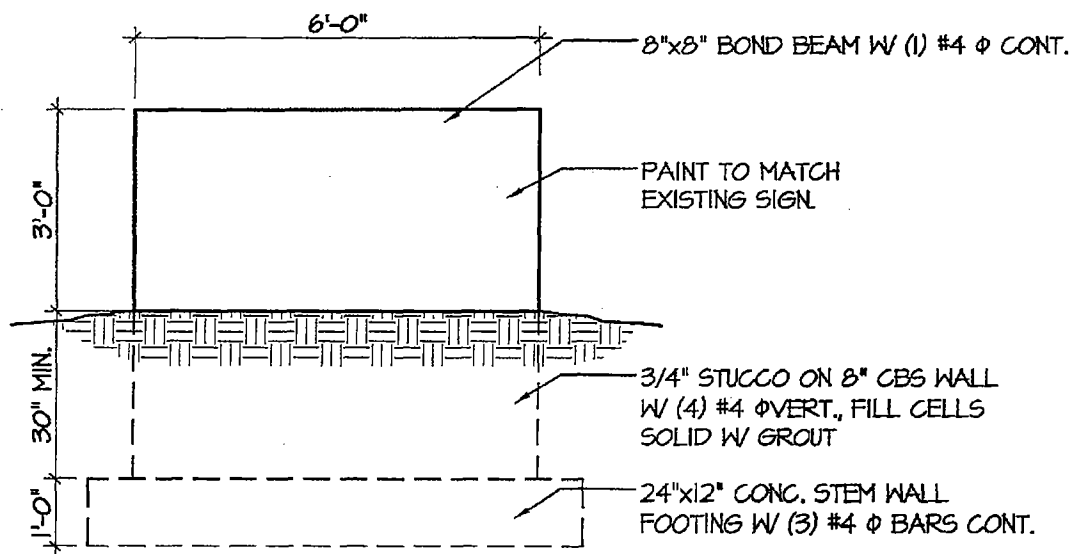
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DATE: 6-28-07  
SCALE: 1" = 1'-0"  
DESIGNER: BT  
DRAWN: BT  
CHECKED BY: JRA  
JOB #: H06-02



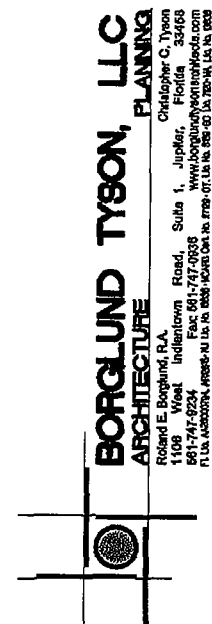
EXT. SIGN #3 LOOKING NORTH

SCALE 3/8" = 1'-0"



EXT. SIGN #3 LOOKING NORTH

SCALE 3/8" = 1'-0"

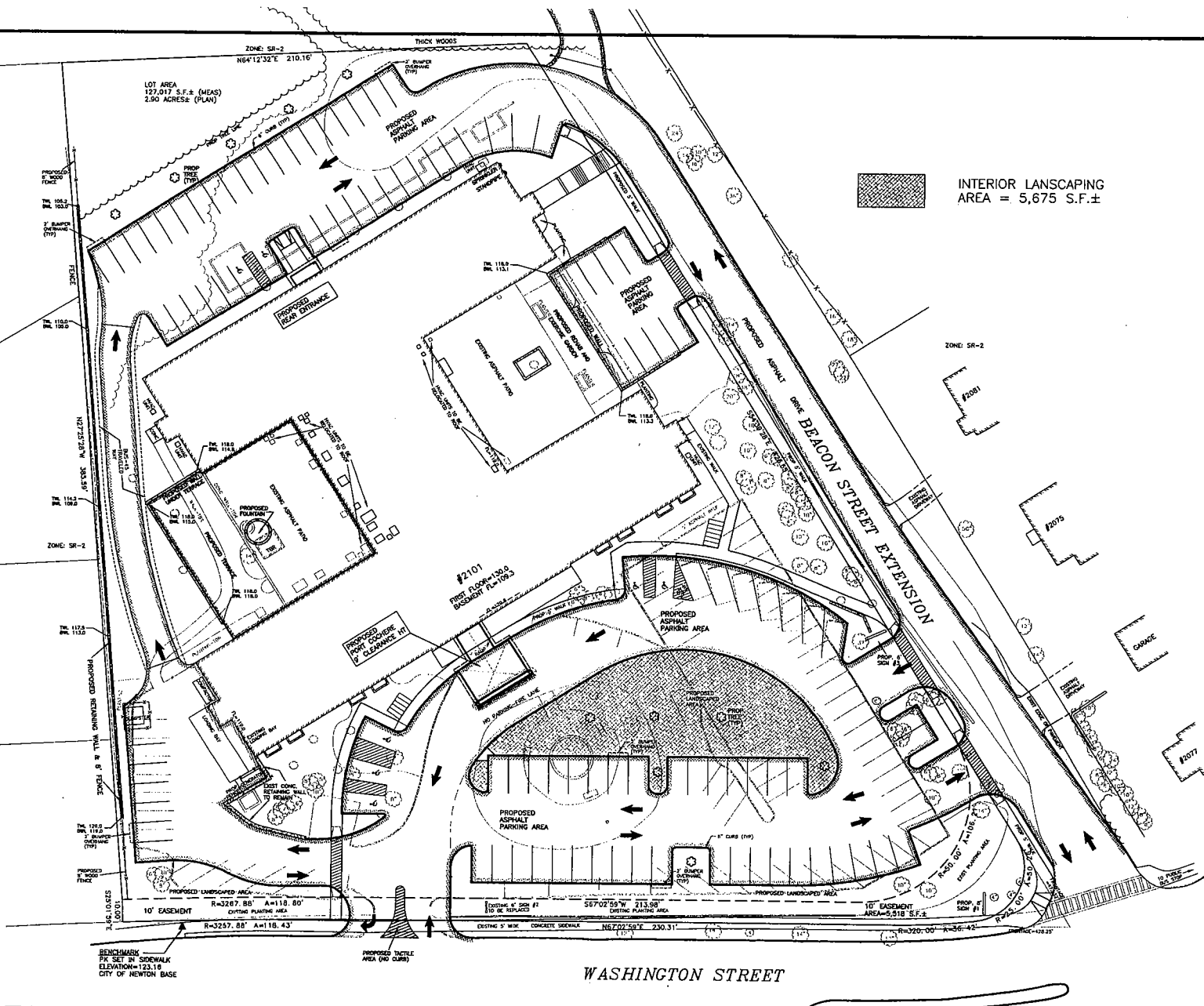


SIGN FOR:  
NEWTON HEALTH CARE CENTER  
CARE ONE  
2010 Washington Street  
Newton, Ma.

EXTERIOR  
SIGN # 3

REVISIONS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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DATE: 6-28-07  
SCALE: 3/8" = 1'-0"  
DESIGNER: JRM  
DRAFTER: JRM  
CHECKED BY: JRM  
JOB #: 100-22

3



ESTABLISHED 1914  
**EMB**  
 EVERETT M. BROOKS CO.  
 SURVEYORS & ENGINEERS  
 49 LUDINGTON STREET  
 WEST NEWTON, MA 02465  
 (617) 527-8750  
 (617) 552-1578 FAX  
 info@embsurveyors.com



- LEGEND**
- UTILITY POLE
  - WATER GATE
  - HYDRANT
  - MANHOLE
  - SEWER MANHOLE
  - SEWER MANHOLE
  - CATCH BASIN
  - EXISTING TREE
  - PROPOSED TREE
  - LIGHT POLE
  - SDH
  - HANDICAP PARKING
  - TO BE REMOVED
  - TO BE ABANDONED
  - DEEP TEST HOLE
  - PERCOLATION TEST
  - SPOT ELEVATION
  - PROPOSED CONTOUR
  - EXISTING CONTOUR
  - DRAIN LINE
  - ROOF DRAIN LINE
  - WATER LINE
  - SEWER LINE
  - GAS LINE
  - FENCE
  - STONEWALL
  - HEDGE
  - TREE LINE



**SITE PLAN OF LAND IN  
 NEWTON, MA**  
 2101 WASHINGTON STREET  
 INTERIOR LANDSCAPE PLAN

PREPARED FOR:  
 2101 WASHINGTON STREET, LLC  
 173 BRIDGE PLAZA NORTH  
 FORT LEE, NJ 07024

SCALE: 1 IN. = 20 FT.  
 DATE: FEBRUARY 5, 2008  
 DRAWN: ES  
 CHECK: MSK + SD  
 REVISIONS:

PROJECT NO. 21939 SHEET 13 OF 14



# Land Use

2101 Washington St.  
Newton Health  
Care Center

## Legend

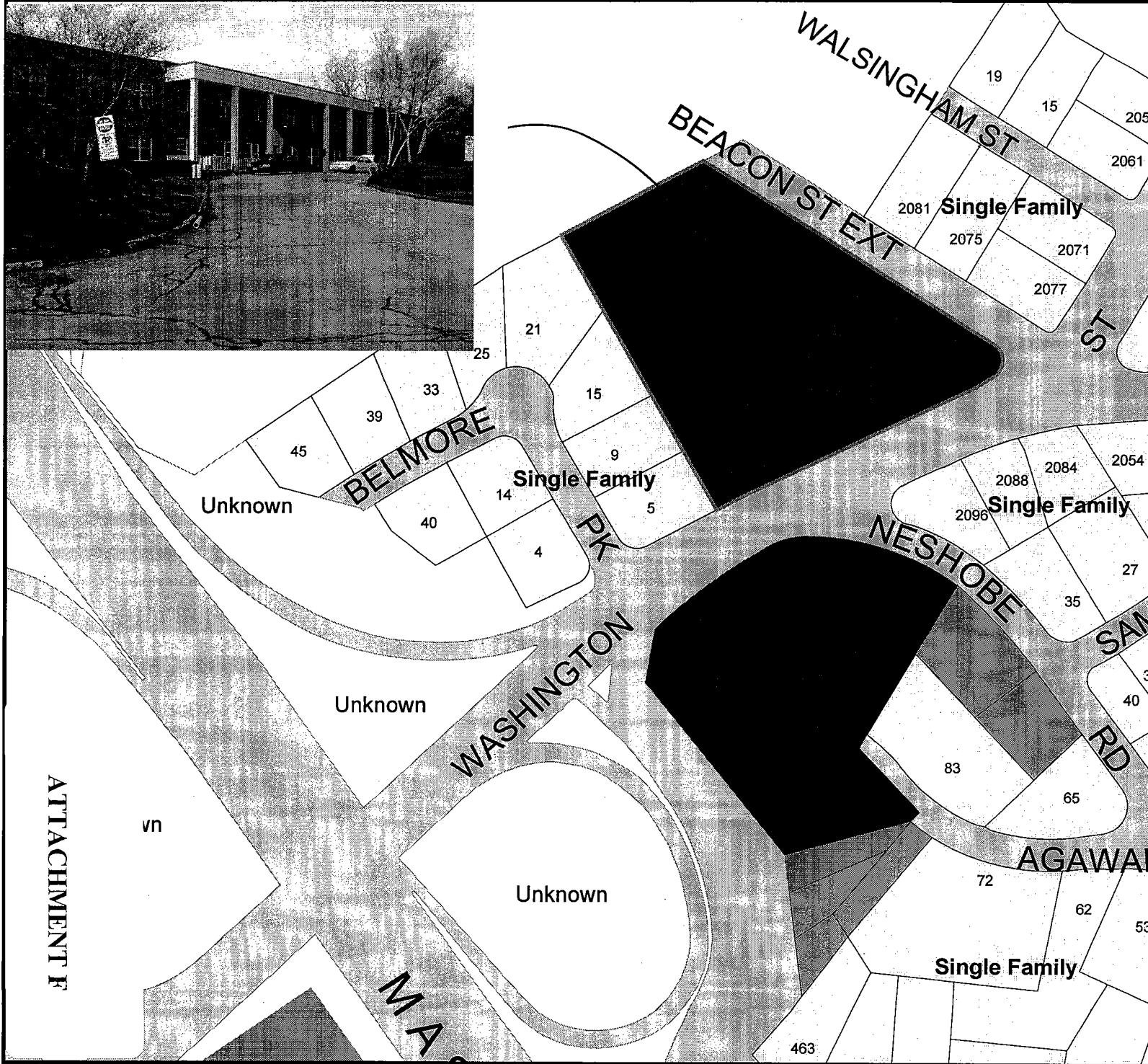
- Subject Site
- Multifamily Residential
- Single Family
- Commercial
- Industrial
- Non-Profit
- Mixed Use
- Vacant Land
- Open Space
- Tax Exempt
- Building Footprints
- Lakes & Rivers
- Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



MAP DATE: February 29, 2008












ATTACHMENT F



# Zoning

2101 Washington St.  
Newton Health  
Care Center

## Legend

-  Subject Site
-  Single Res. 2
-  Business 1
-  Business 5
-  OS/Rec.
-  Public Use
-  Building Footprints
-  Property Boundaries
-  Lakes & Rivers



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



MAP DATE: February 29, 2008

ATTACHMENT G

